



**CONNOLLY BOVE LODGE & HUTZ LLP**

ATTORNEYS AT LAW

Francis DiGiovanni  
Partner

TEL (302) 888-6316  
FAX (302) 658-5614  
EMAIL fdigiovanni@cblh.com  
REPLY TO Wilmington Office

WILMINGTON, DE

The Nemours Building  
1007 North Orange St.  
P.O. Box 2207  
Wilmington, DE 19899  
TEL: (302) 658 9141  
FAX: (302) 658 5614  
WEB: www.cblh.com

April 22, 2008

**VIA ELECTRONIC FILING**

Magistrate Judge Mary Pat Thyng  
J. Caleb Boggs Federal Building  
844 N. King Street  
Wilmington, Delaware 19801

Re: *Parker-Hannifin Corporation v. Seiren Co., Ltd.*, C.A. No. 07-104-MPT  
*Parker-Hannifin Corporation v. Zippertubing (JAPAN), Ltd.*, C.A. No. 06-751-MPT  
Amended Scheduling Orders

Dear Judge Thyng:

I write on behalf of Parker-Hannifin Corp. ("Parker") and with the authorization of counsel for Seiren Co., Ltd. ("Seiren") and counsel for Zippertubing (JAPAN), Ltd. ("ZTJ"). This letter is being submitted in accordance with instructions from the Court during our March 13, 2008 conference call and with a Proposed Scheduling Order attached.

The parties have conferred regarding amendments to the current scheduling order in each case and jointly submit the following proposed schedule. The schedule is the same as that discussed during the March 13 conference, except that the parties desire to extend fact discovery to run concurrently with expert discovery.

May 1, 2008 – Parties exchange list of terms to be construed (Scheduling Order para. 11);  
June 2, 2008 – Joint claims construction chart due (para. 11);  
July 1, 2008 – Opening Markman briefs due (para. 12);  
July 15, 2008 – Responsive Markman briefs due (para. 12);  
July 31, 2008 or any date thereafter that is convenient for the Court – Markman Hearing (para. 13);  
August 15, 2008 – Initial expert reports due (para. 3.d.);  
September 15, 2008 – Rebuttal expert reports (para. 3.d.);  
November 14, 2008 – Close of expert discovery (para. 3.d.) AND close of fact discovery (para. 3.c.);

Magistrate Judge Mary Pat Thyng  
April 22, 2008  
Page 2 of 2

December 15, 2008 – Dispositive Motions (para. 10);  
January 16, 2009 – Oppositions to Dispositive Motions (para. 10);  
January 30, 2009 – Replies re Dispositive Motions (para. 10);  
May 19, 2009 – Proposed pre-trial order;  
June 1, 2009, 5:30 pm – Pre-trial conference; and  
June 15, 2009 – Trial date (7 days).

The extension of fact discovery is needed due to complications arising from the scheduling of depositions at the U.S. Consulate in Japan. The first available dates for such depositions are in October, 2008. The parties foresee a possibility that there may be a need for supplemental expert discovery in view of the extension. However, the parties will address that issue if and when the need arises.

If Your Honor has any questions, please do not hesitate to let us know. Thanking you in advance for your attention to the foregoing, I am

Very truly yours,



Francis DiGiovanni

SN/el

cc: Clerk of Court (via Electronic Filing)  
John P. Pegram  
William J. Marsden, Jr.  
Scott M. Daniels  
Julia Heaney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PARKER-HANNIFIN CORPORATION,

Plaintiff,

v.

SEIREN CO., LTD.,

Defendant.

C.A. No. 07-104-MPT

**SCHEDULING ORDER**

This \_\_\_\_ day of \_\_\_\_\_, **2008**, the Court having conducted a scheduling and planning conference on March 13, 2008, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS ORDERED that:

1. Paragraphs 3.c, 10, 11, 12, 15 and 18 of the Court's Initial Scheduling Order of September 11, 2007 are hereby vacated.
2. (former 3.c.) Discovery Cut Off. All fact discovery in this case shall be initiated so that it will be completed on or before **November 14, 2008**. The Court encourages the parties to serve and respond to contention interrogatories early in the case. Unless otherwise ordered by the Court, the limitations on discovery set forth in Local Rule 26.1 shall be strictly observed.
3. (formerly 10.) Case Dispositive Motions. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before **December 15, 2008**. Briefing will be presented pursuant to the Court's Local

Rules. All oppositions to any case dispositive motions filed shall be served and filed on or before **January 16, 2009**. All replies to any oppositions to any case dispositive motions filed shall be served and filed on or before **January 30, 2009**.

4. (formerly 11.) Claim Construction Issue Identification. If the Court does not find that a limited earlier claim construction would be helpful in resolving the case, on **May 1, 2008**, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those claim term(s)/phrase(s). This document will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted on **June 2, 2008**. The parties' Joint Claim Construction Chart should identify for the Court the term(s)/phrase(s) of the claim(s) in issue, and should include each party's proposed construction of the disputed claim language with citation(s) only to the intrinsic evidence in support of their respective proposed constructions. A copy of the patent(s) in issue as well as those portions of the intrinsic record relied upon shall be submitted with this Joint Claim Construction Chart. In this joint submission, the parties shall not provide argument.

5. (formerly 12.) Claim Construction. The parties shall contemporaneously submit initial briefs on claim construction issues on **July 1, 2008**. The parties' answering/responsive briefs shall be contemporaneously submitted on **July 15, 2008**. No reply briefs or supplemental papers on claim construction shall be submitted without leave of the Court. Local Rule 7.1.3(4) shall control the page limitation for initial (opening) and responsive (answering) briefs.

6. (formerly 15.) Pretrial Conference. On **June 1, 2009**, the Court will hold a Final Pretrial Conference in Chambers with counsel beginning at **5:30 p.m.** Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before **May 19, 2009**.

7. (formerly 18.) Trial. A **7** day jury trial will begin on **June 15, 2009** in one or more of Civil Action Nos. 06-751-MPT, 07-104-MPT, and 07-266-MPT, the specific action or actions to be tried then to be selected at a later date. Trial will begin at 9:30 am on the first day with the remaining trial days beginning at 9:00 a.m. For the purpose of completing pretrial preparations, counsel should plan on each side being allocated a total of **18** hours to present their case.

---

UNITED STATES MAGISTRATE JUDGE